

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of

Rinze BENEDICTUS et al.

Application No.: 10/821,184

Group Art Unit: 1793

Filed: April 9, 2004

Examiner: Janelle Combs-Morillo

TITLE: AN Al-Zn-Mg-Cu ALLOY WITH IMPROVED DAMAGE TOLERANCE-STRENGTH COMBINATION PROPERTIES

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This subject Information Disclosure Statement is submitted in connection with applicants' continuing duty of disclosure under 37 C.F.R. §1.56.

A final Office action was mailed on February 21, 2008.

The fee under 37 C.F.R. §1.17(p) of \$180.00 is paid by credit card (Form PTO-2038 enclosed). Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account 14.1437. Please credit any excess fees to such account.

Certification 1: items 1, 2, 3 and 4 of information contained in this information disclosure statement were first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

Certification 2: items 5 and 6 of information contained in this information disclosure statement were not cited in any communication from a foreign patent office in a counterpart foreign application. However, items 5 and 6 were first cited in a potentially related US application not more than three months prior to the filing of this information disclosure statement.

#### LISTING OF RELEVANT DOCUMENTS

The relevant documents are listed in the attached Form PTO/SB/08.

#### REMARKS

The references cited in this IDS are:

1. SU 664 570 A;
2. SU 1 625 043 A1;
3. Lakhtin Yu. M. et al., Material Science, Moscow, "Machine Construction," 1980, p. 40;
4. translation of a Russian Office action dated March 28, 2008;
5. May 29, 2008 Final Rejection against US Pat. App. No. 10/976,154;
6. US Pat. No. 6,652,678.

References 1 – 3 were cited by the Russian Patent Office in an Office action (Reference 4).

References 5 – 6 are respectively: a May 29, 2008 Final Rejection against US Pat. App. No. 10/976,154; and US Pat. No. 6,652,678 to Marshall cited in this Final Rejection.

Copies of References 1, 2, 3, 4 and 5 are provided.

With respect to References 1, 2 and 3, the enclosed translation of a Russian Office action dated March 28, 2008 (Reference 4), provides "[a] concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other

information listed that is not in the English language.”<sup>1</sup> SU 664570 is discussed at page 4 of the Russian Office action; Lakhtin is discussed at pages 4 and 5; SU 1625043 is discussed at page 5. SU 1625043 also includes an English language abstract.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove this information may not be enabling for the teachings purportedly offered.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, or an admission that the information cited is, or is considered to be, material to patentability, or that the information is analogous to the subject matter of the present invention, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner.

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<sup>1</sup> 37 C.F.R. §1.98 (a)(3)(i).